

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

Vantage Financial Services, Inc.
Plaintiff

v.

Nonprofit Service Group, Inc. and George E.
Miller
Defendants

CIVIL ACTION NO. 04-11686-WGY

DEFENDANTS' PRETRIAL DISCLOSURES

Defendants Nonprofit Service Group, Inc. and George E. Miller make the following pretrial disclosures¹:

A. Witnesses

Defendants expect to call the following individuals as witnesses at trial :

Name	Address and Telephone
George E. Miller	1601 North Kent Street, Arlington, VA
Carolyn A. Emigh	1601 North Kent Street, Arlington, VA

¹ Defendants reserve the right to supplement these disclosures as necessary in light of further discovery and trial preparation.

Laurence Johnson	Davis, Malm & D'Agostine, One Boston Place, Boston, MA; 617-367-2501
Brian W. LeClair	12 Fox Run Lane, Marblehead, MA
Harry Melikian	90 Canal Street, Boston, MA 02114; 617-878-6000
Lawrence Lyon	90 Canal Street, Boston, MA 02114; 617-878-6000
Henry Lewis	90 Canal Street, Boston, MA 02114; 617-878-6000
Lynn Edmonds	90 Canal Street, Boston, MA 02114; 617-878-6000
Peter DeMakis	90 Canal Street, Boston, MA 02114; 617-878-6000
Peter K. Levitt	Office of the United States Attorney, Boston, MA
Ralph Semb	Shriners Hospitals for Children, Tampa, FL
Jay Fleischer	Shriners Hospitals for Children, Tampa, FL
Bill Fawcett	Shriners Hospitals for Children, Tampa, FL
Paul Gramblin	Shriners Hospitals for Children, Tampa, FL

Defendants may call the following individuals as witnesses if the need arises:

Lawrence Saklad	unknown
Seth Perlman	220 5 th Avenue, 7 th Floor, New York, NY

Frank Celani	Unknown
Helen Seweryn	Philadelphia, PA
Beth Ann Irvine	Unknown
Alan E. Douillette	Unknown
Kim Seegers	Cary, North Carolina
Susan Jones	Unknown
Richard Jarvis	Unknown
Douglas Morgan	Unknown
Sam Rosenberg	Unknown
Jean Bracewell	Shriners Hospitals for Children, Tampa, FL

B. Witnesses Whose Testimony May Be Presented By Deposition or Declaration

Keeper of the Records, Shriners Hospitals for Children	Shriners Hospitals for Children, Tampa, FL
Ralph Semb	Shriners Hospitals for Children, Tampa, FL
Jay Fleischer	Shriners Hospitals for Children, Tampa, FL
Bill Fawcett	Shriners Hospitals for Children, Tampa, FL
Paul Gramblin	Shriners Hospitals for Children, Tampa, FL
Lawrence Saklad	unknown
Seth Perlman	220 5 th Avenue, 7 th Floor, New York, NY

Frank Celani	Unknown
Helen Seweryn	Philadelphia, PA
Beth Ann Irvine	Unknown
Alan E. Douillette	Unknown
Kim Seegers	Cary, North Carolina
Susan Jones	Unknown
Richard Jarvis	Unknown
Douglas Morgan	Unknown
Sam Rosenberg	Unknown
Jean Bracewell	Shriners Hospitals for Children, Tampa, FL

C. Trial Exhibits

Defendants expect to offer or may offer the following documents as evidence at trial.

Those documents that defendants may offer only if the need arises are identified in the shaded portions of the following table:

EXHIBIT	IDENTIFICATION
April 13, 1999 Memorandum from Jay Fleisher to Ralph Semb	NSG0735-NSG0759 (Melikian Exhibit No. 1)
April 15, 1999 Fax from Ipswich Country Club	NSG0760-NSG0777 (Melikian Exhibit No. 2)
April 28, 1999 letter from George Miller to Larry Lyon	NSG0795-NSG0804 (Melikian Exhibit No. 3)

June 17, 1999 Agreement to Provide Fund Raising Consulting and Management Services	DOJ21929-DOJ21949 (Melikian Exhibit No. 4)
May 5, 2000 Memorandum from Harry Melikian to George Miller	NSG0850-NSG0856 (Melikian Exhibit No. 5)
May 30, 2001 Meeting Agenda	NSG1045 (Melikian Exhibit No. 11)
June 17, 1999 Agreement to Provide Fund Raising Consulting and Management Services	VANTAGE4864-VANTAGE4900 (Melikian Exhibit No. 6)
October 25, 2000 Letter from Laurence C. Lyon to John D. VerMaas, et al	SHC00872-SHC00886 (Melikian Exhibit No. 7)
May 3, 1999 Fax from Vantage Group Services "Schedule B Vantage Direct Marketing Services"	NSG0807 (Melikian Exhibit No. 8)
July 14, 2000 Letter from Jay Fleisher to Peter Demakis	SHC00996-SHC01000 (Melikian Exhibit No. 9)
August 9, 2001 Letter from Kenneth Smith to Henry Lewis	SHC01104-SHC01105 (Melikian Exhibit No. 12)
December 27, 2001 Spreadsheet "Company Confidential"	VA1636-VA1639 (Melikian Exhibit No. 13)
March 12, 2002 Letter from Brian LeClair to Peter Levitt	(Melikian Exhibit No. 14)
June 10, 2003 Spreadsheet	VANTAGE0448-VANTAGE0450 (Melikian Exhibit No. 15)
January 30, 2004 Vantage Direct Mail Program Summary with attached email	SHC01860-SHC01861 (Melikian Exhibit No. 16)
February 2, 1997 Shriners Hospital Pro Forma	NSG1221-NSG1224 (Melikian Exhibit No. 17)
June 10, 1999 Shriners with Assumptions without Interest	VANTAGE7771 (Melikian Exhibit No. 18)
Shriners Hospitals Summary Activity Acquisition Program as of 2/8/00	VANTAGE8076 (Melikian Exhibit No. 19)
November 12, 2003 Spreadsheet "Shrine Product Pricing"	VANTAGE8104 (Melikian Exhibit No. 20)

November 12, 2003 Spreadsheet	VANTAGE8106 (Melikian Exhibit No. 21)
November 12, 2003 Spreadsheet	VANTAGE8105 (Melikian Exhibit No. 21A)
Spreadsheet	VANTAGE8107 (Melikian Exhibit No. 22)
June 10, 1999 Shriners Extra Ten M With Assumptions with Interest	VANTAGE7765 (Melikian Exhibit No. 23)
June 10, 1999 Shriners With Assumptions and Without Interest	VANTAGE7767-VANTAGE7768 (Melikian Exhibit No. 24)
May 1, 2003 Fax from Harry Melikian to Henry Lewis	VANTAGE5838-VANTAGE5841 (Melikian Exhibit No. 27)
October 24, 2003 Memorandum from Terry Ahearn from Ralph Semb	SHC02200-SHC02203 (Melikian Exhibit No. 28)
September 2, 2003 Agenda	VANTAGE4933 (Melikian Exhibit No. 29)
November 18, 2003 Shrine Meeting	VANTAGE5332-VANTAGE5333 (Melikian Exhibit No. 30)
Shrine Outstanding Balances	VANTAGE5217 (Melikian Exhibit No. 31)
August 25, 2003 Letter from Harry Melikian to Paul Gramblin	SHC02162 (Melikian Exhibit No. 32)
August 26, 2003 Letter from Jay Fleischer to Harry Melikian	VANTAGE6070-VANTAGE6071 (Melikian Exhibit No. 33)
December 11, 2003 Fax from Jay Fleischer to John Kenney, Jr.	SHC01907-SHC01913 (Melikian Exhibit No. 34)
March 1, 2001 Letter from Peter Levitt to Brian LeClair with attached spreadsheets and other attachments	(Melikian Exhibit No. 35)
December 4, 2003 Letter from Lawrence M. Johnson to Jay Fleischer	SHC01893-SHC01900 (Melikian Exhibit No. 36)
August 23, 2000 Letter from Laurence Lyon to Jay Fleischer	SHC00952-SHC00954 (Melikian Exhibit No. 37)
August 26, 2002 Fax from Harry Melikian to Henry Lewis	VANTAGE5081-VANTAGE5082 (Melikian Exhibit No. 38)

September 18, 2002 Letter from Jay Fleischer to George Miller	NSG0192-NSG0196 (Melikian Exhibit No. 39)
September, 2002 Indemnity Agreement	NSG061-NSG062 (Melikian Exhibit No. 40)
April 10, 2000 Joint Statement as to Settlement	SHC04402 (Melikian Exhibit No. 41)
October 2003 Settlement Agreement	VANTAGE4838-VANTAGE4862 (Melikian Exhibit No. 42)
Vantage Group Services-Unlock the Power	DOJ20604-DOJ20615 (Lyon Exhibit No. 2)
July 10, 2001 Fax from Vantage to George Miller	NSG001-NSG019 (Lyon Exhibit No. 5)
April 15, 1999 Fax to George Miller from Ipswich Country Club	(Lyon Exhibit No. 8)
November 8, 2000 Letter from M. Burton Oien to Laurence Lyon	SHC00861-SHC00862 (Lyon Exhibit No. 14)
April 27, 2000 Fax from Vantage to George Miller	NSG0861-NSG0864 (Lyon Exhibit No. 16)
Spreadsheet	NSG1216-NSG1220 (Lyon Exhibit No. 17)
May 11, 2001 Letter from Laurence Lyon to Robert Turnipseed	SHC01194-SHC01199 (Lyon Exhibit No. 19)
May 30, 2001 Meeting Agenda	NSG1045 (Lyon Exhibit No. 20)
February 17, 2003 Spreadsheet	VANTAGE22589 (Lyon Exhibit No. 21)
Spreadsheet Shriners Hospitals for Children-2003	VANTAGE23861-VANTAGE23865 (Lyon Exhibit No. 37)
May 2, 2000 Fax from Carolyn Emigh to Matt Kaiser	NSG0865-NSG0868 (Lyon Exhibit No. 28)
March 28, 2003 Fax to Jay Fleischer from Larry Lyon	SHC01645-SHC01647 (Lyon Exhibit No. 32)
Shriners Plan	VANTAGE23945 (Lyon Exhibit No. 24)
February 19, 2003 Shriners Hospitals for Children-2003	VANTAGE23858-VANTAGE23860

September 6, 2002 Spreadsheet	VANTAGE24076-VANTAGE24077
August 22, 2001 Vantage Acquisition Program Summary	VANTAGE24102-VANTAGE24133
May 23, 2001 Shriners Hospital 2001 Forecast of Program Results	NSG1225
January 25, 2001 Email from Paul Grambling to Robert Turnipseed	SHC01266
November 17, 2003 Vantage Program Totals	VANTAGE23815
Growth of Donor File	NSG1206-NSG1209
October 15, 2002 Email from Jay Fleisher to Bert Oien	SHC01304-SHC01305
November 26, 2003 Letter to John Kenney from Jay Fleischer	VANTAGE23816-VANTAGE23828
July 25, 2001 Email from Bill Fawcett to Jay Fleischer	SHC01130
January 31, 2003 Email from Scott Dumphy to Darlene Foley with Attachments	VANTAGE24029-VANTAGE24042
March 15, 2001 Email from Jay Fleischer to Bill Fawcett	SHC01253-SHC01254
October 2, 2003 Letter from Paul Grambling to Larry Lyon	VANTAGE4863
December 4, 2002 Fax from Roger True (Elks) to George Miller	NSG0265-NSG0274
October 30, 2003 Email from Jay Fleischer to Vanessa Heitzman with Attachment	SHC01565-SHC01567
May 20, 1999 Memorandum from Jay Fleischer to John Nobles	SHC00236-SHC00237
April 27, 1999 Letter from Theodore Corsones to Lewis Molnar	SHC00383-SHC00384
August 26, 2003 Letter from Jay Fleischer from Harry Melikian	VANTAGE6070-VANTAGE6071

November 5, 2003 Letter from Jay Fleischer to Terry Ahern	SHC02158-SHC02171
Agreement to Provide Fund Raising Consulting and Management Services – “Copy Drafts”	NSG0584-NSG0595
May 21, 1999 Fax from Jay Fleischer to George E. Miller	Unnumbered
May 24, 1999 Letter from Nonprofit Service Group to Jay Fleischer	NSG0812-NSG0814
Agreement to Provide Fund Raising Consulting and Management Services – Draft 2	NSG0596-NSG0612
Agreement to Provide Fund Raising Consulting and Management Services – Draft 3	NSG0613-NSG0627
Agreement to Provide Fund Raising Consulting and Management Services – Draft 4	NSG0628-NSG0643
Agreement to Provide Fund Raising Consulting and Management Services – Draft 5	NSG0644-NSG0664
Agreement to Provide Fund Raising Consulting and Management Services – Draft 6	NSG0672-NSG0690
September 13, 2002 Third Amended Complaint of the United States	VANTAGE10421-VANTAGE10453
Second Amended Complaint of the United States	VANTAGE10391-VANTAGE10420
Complaint of the United States	VANTAGE10363-VANTAGE10390
Complaint <u>Melikian v. Barton-Cotton</u>	VANTAGE10351-VANTAGE10362

November 12, 1999 Letters from Brian LeClair to Third Party Defendants	VANTAGE9904-VANTAGE9944
Memorandum of Harry Melikian Re: Settlement with Affinity Marketing Associates	VANTAGE9868-VANTAGE9878
Cross Motion of Harry Melikian Re: Settlement with Affinity Marketing Associates	VANTAGE9532
Motion of Harry Melikian Re: Affinity Marketing Associates Settlement	VANTAGE9533
March 19, 2003 Email from Brian LeClair to Lawrence Johnson	VANTAGE9648
August 30, 2002 Transcript of Hearing before Judge Mark Wolfe	VANTAGE8815-VANTAGE8849
August 16, 2002 Transcript of Hearing of hearing before Judge Mark Wolfe	VANTAGE8721-VANTAGE8814
June 14, 2002 Memorandum from Paul Grambling to Jay Fleischer	SHC01514-SHC01517
July 17, 2001 Vantage Contract Bullets	SHC01141
October 19, 2000 Email from Paul Grambling to Jay Fleischer	SHC00888
March 12, 2001 Letter from Brian LeClair to Peter Levitt	Unnumbered
May 7, 2001 Vantage Direct Marketing Draw Schedule	SHC01142
August 30, 2000 Memorandum from Jay Fleischer to Robert Turnipseed	SHC00951
Vantage Contract Summary Combined	Unnumbered
June 26, 2001 letter from Charles Harrington, Jr. to Lawrence Lyon	VANTAGE7795
June 21, 2001 Letter from David Ganz to Larry Lyon	VANTAGE7793

May 5, 2000 Memorandum from Harry Melikian to George Miller	VANTAGE4741-VANTAGE4750
November 24, 2003 Fax from Seth Pearlman to John Kenney	VANTAGE4918-VANTAGE4920
June 15, 2000 Letter from Harry Melikian to Jay Fleischer	VANTAGE1209-VANTAGE1210
2003 Income Tax Return	VANTAGE4798-VANTAGE4818
2002 Income Tax Return	VANTAGE4819-VANTAGE4827 (Pages missing)
Press Releases	VANTAGE5749-VANTAGE5775
October 2003 Affidavit of Henry Lewis	VANTAGE5592-VANTAGE5596
June 24, 2003 Fax from Peter Levitt to Lawrence Johnson	VANTAGE9483-VANTAGE9487
March 1, 2001 Letter from Peter Levitt to Brian LeClair	VANTAGE4639-VANTAGE4658
Rules of Ethics and Practices Association of Direct Response Fund Raising Council	Unnumbered
August 13, 2003 Letter to Judge Mark Wolfe from Lawrence Johnson	VANTAGE9369-VANTAGE9371
June 30, 1995 Letter to Scott Hamel from Anita J. Bizzotto	Unnumbered
November 5, 2003 Letter from Jay Fleischer to Terry Ahern	VANTAGE6086-VANTAGE6087
November 21, 2003 Letter from Terry Ahern to Jay Fleischer	VANTAGE5271-VANTAGE5274
November 19, 2003 Letter from Jay Fleischer to Terry Ahern	VANTAGE5270
November 19, 2004 Memorandum from Terry Ahern to Henry Lewis	VANTAGE5265-VANTAGE5266
November 20, 2004 Memorandum from Terry Ahern to Henry Lewis	VANTAGE5268-VANTAGE5269

November 20, 2004 Memorandum from Terry Ahern to Henry Lewis	VANTAGE5267
December 4, 2003 Letter from Lawrence Johnson to Jay Fleischer	VANTAGE5256-VANTAGE5259
Vantage Group Vendor Ledger Inquiry	VANTAGE5222-VANTAGE5224
August 21, 2002 Fax from Jay Fleischer to George Miller	NSG0063-NSG0071
July 16, 2002 Letter from Jay Fleischer to George Miller	NSG0072
Meeting Notes	NSG0076-NSG0118 (non-consecutive)
July 10, 2002 Letter from Jay Fleischer to Seth Pearlman	NSG0127-NSG0128
July 1, 2002 Letter from Seth Pearlman to Jay Fleischer	NSG0172-NSG0173
VFS-Elk's Draft Letter Agreement	NSG0242-NSG0243
May 16, 2003 Emails from Will Weddleton to George Miller and related documents	NSG0490-NSG0507
May 24, 1999 Fax from George Miller to Larry Lyon with Attachments	NSG0721-NSG0720
May 24, 1999 Letter from Nonprofit Service Group to Jay Fleischer	NSG0812-NSG0814
December 22, 2000 Email from Paul Grambling to Matt Kaiser	NSG0945
Hand written notes	NSG1177-NSG1204
Spreadsheets	NSG0986
Hand written notes	NSG1004-NSG1005
Nonprofit Service Group Billing Statements	NSG1262-NSG1274
Brick Mills Studio Brief with attachments	NSG1809-NSG1905
Press Releases	VANTAGE5749-VANTAGE5775

May 25, 1997 Email from George Miller to Jay Fleischer with attachment	VANTAGE5616-VANTAGE5636
Transcript of May 5, 2003 Hearing before Judge Mark Wolfe	VANTAGE5374-VANTAGE5412
August 9, 2001 Letter from Kenneth Smith to Henry Lewis	VANTAGE5000-VANTAGE5001
November 24, 2003 Fax from Seth Pearlman to John Kenney	VANTAGE4918-VANTAGE4920
October 2, 2003 Letter from Paul Grambling to Larry Lyon	VANTAGE4863
October 2003 Settlement Agreement	VANTAGE4838-VANTAGE4862
2002 Income Tax Return	VANTAGE4819-VANTAGE4837
2003 Income Tax Return	VANTAGE4798-VANTAGE4818
Vantage Financial Statements 2003-2002	VANTAGE4782-VANTAGE4797
Transcript of March 13, 2003 Hearing before Judge Mark Wolfe	Unnumbered
May 2, 2000 Letter from Peter Levitt to Brian LeClair	Unnumbered
August 22, 2000 Letter from Peter Levitt to Morris Goldings	Unnumbered
October 13, 2000 Letter from Peter Levitt to Brian LeClair	Unnumbered
April 7, 2003 Motion for Summary Judgment and Statement of Undisputed Facts	Unnumbered
Reply Memorandum in Support of Motion for Leave to Amend Complaint with March 1, 2001 Attachment	Unnumbered
Shriners Hospitals for Children 2003 Calendar	VANTAGE21922-VANTAGE21949

Memorandum from David Ganz to Larry Lyon	VANTAGE7779
November 26, 2003 Letter from Jay Fleischer to John Kenney	VANTAGE8149-VANTAGE8155
November 26, 2003 Letter from Jay Fleischer to Terry Ahern	VANTAGE8143-VANTAGE8148
August 5, 2003 Transcript of Hearing Before Judge Mark Wolfe	VANTAGE5573-VANTAGE5578
August 6, 2003 Transcript of Hearing Before Judge Mark Wolfe	VANTAGE5579-VANTAGE5591
Shriners Mailing	VANTAGE12456-VANTAGE12457
Print outs of Vantage Web Pages, including superseded material	
All Pleadings, Deposition Transcripts, Affidavits, Declarations, Affirmations, Motion, Discovery Documents, Hearing Transcripts, Orders, Memoranda, and Other Documents Filed and Served by the Parties in the Civil Action Entitled <u>United States v. Henry Lewis</u>	
All Documents Listed and Produced with Defendants Initial Disclosures	
All Documents Submitted in Support of Defendants Motion for Summary Judgment	
All Response Analysis Reports	Various
Affidavit of Willard Fawcett, Jr.	
Affidavit of Ralph Semb	
All Drafts and Amendments to the Agreement to Provide Fund Raising, Consulting and Management Services Between Plaintiff and Shriners Hospitals for Children	
All Income Tax Returns and Financial Statements of the Plaintiffs	Various

All Documents Produced by Shriners Hospitals for Children in Response to Defendant's Subpoena	
Documents Contained in Vantage's Supplemental Document Production	VANTAGE22294-VANTAGE24679

Respectfully submitted,

Nonprofit Service Group and
George E. Miller,
By their attorneys,

/s/Richard L. Nahigian

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